



LEGISLATIVE FISCAL OFFICE  
Fiscal Note

Fiscal Note On: **HB 232** HLS 10RS 1065

Bill Text Version: **ENROLLED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> June 21, 2010	9:50 AM	<b>Author:</b> GEYMANN
<b>Dept./Agy.:</b> Corrections		
<b>Subject:</b> Rape		<b>Analyst:</b> Matthew LaBruyere

CRIME/RAPE

EN NO IMPACT GF EX See Note

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Provides with respect to simple rape

Present law provides for a determination of simple rape in R.S. 14:43(A)(2) based on circumstances under which sexual intercourse is deemed to be without lawful consent, including unsoundness of mind. A person is considered a victim under present law “when the victim is incapable, through unsoundness of mind, whether temporary or permanent, [or] understanding the nature of the act and the offender knew or should have known of the victim’s incapacity.”

The proposed legislation clarifies the provisions regarding simple rape by amending present law to read “when the victim, through unsoundness of mind, is temporarily or permanently incapable of understanding the nature of the act and the offender knew or should have known the victim’s incapacity.”

EXPENDITURES	2010-11	2011-12	2012-13	2013-14	2014-15	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

REVENUES	2010-11	2011-12	2012-13	2013-14	2014-15	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

There is no anticipated direct material effect on governmental expenditures as a result of this measure. The proposed legislation clarifies the previous language.

If simple rape were committed and the individual convicted, he would be sentenced to the custody of the Department of Public Safety and Corrections and state general fund expenditures would increase by \$24.39 per day per offender in local facilities. To the extent that offenders are sentenced and housed in state facilities, the cost per day per offender is \$54.49. Currently, the Department of Corrections houses 50% of state offenders at the local level and 50% at the state level.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.